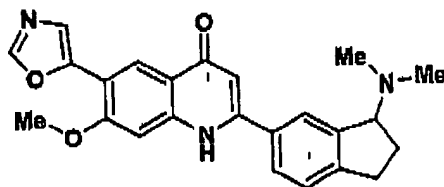


Applicant provisionally elects for prosecution, with traverse, compounds falling in Group 2 (e.g., quinolone compounds of formula I, as shown particularly in amended claim 10) and the species of Example 10.



Claims 10-23 are readable on this elected species as well as new claims 30-41. Applicant understands that this is a provisional election for purposes of search and examination, and that, if the elected species is found to be allowable, applicant's claims covering other disclosed species will be fully considered and examined.

Additionally, Applicant traverses the restriction requirements as set forth in the June 24<sup>th</sup>, 2002 Office Action for the following reason. Applicant has added new process of use claims dependent upon the Group 2 composition claims. While the new process of use claims are subsets of Groups I (claims 30-37) and V (claims 38-41) as defined by the Examiner they are coextensive with elected Group 2 composition claims (amended claims 10-23).

According to MPEP §803.01

**[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.**

Applicant asserts that because the new claims are coextensive with the amended composition claims, prosecution of both sets of claims would not pose a serious burden requiring multiple independent searches. Applicant thus traverses the restriction requirement and requests that a search and examination in this case be performed with regard to all claims now pending.


#### **FEES**

No fees should be due. Although eleven new claims are added, a total of fifteen claims were canceled including three independent claims. However, if it is determined that a fee is due, please charge same to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

The Examiner is invited to contact the undersigned by telephone, at the number listed below, if it is believed that a telephonic communication would facilitate the prosecution of this application.

Respectfully submitted,

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